

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-26-15

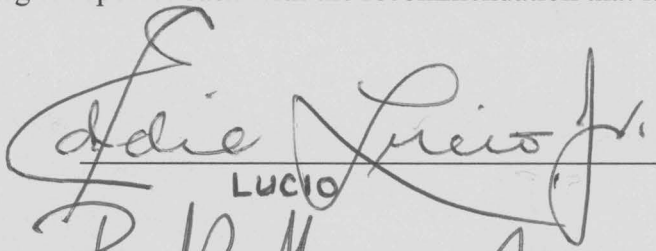
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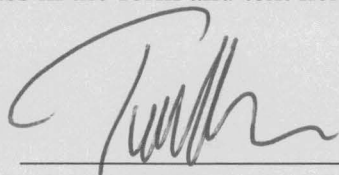
Honorable Dan Patrick
President of the Senate

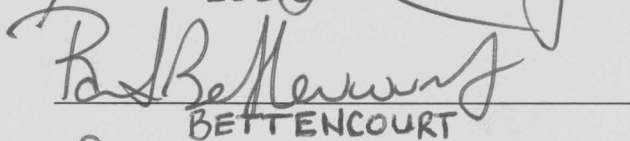
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

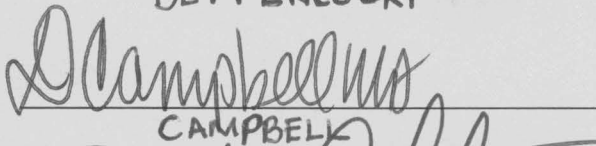
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 382 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


LUCIO

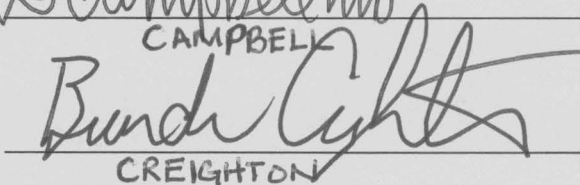

Terry Canales

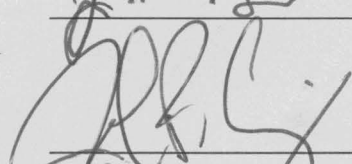

BETTENCOURT

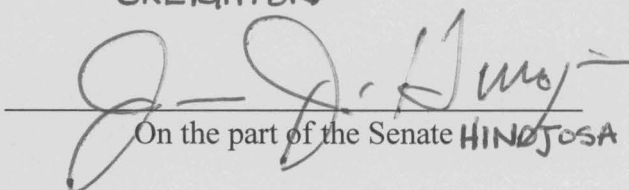

Eddie Lucio III

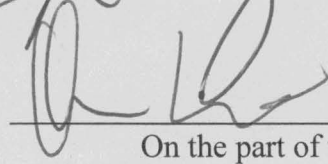

CAMPBELL


J.M. Lozano


CREIGHTON


John Cyrier


On the part of the Senate HINOJOSA


On the part of the House Oscar Longoria

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 382

A BILL TO BE ENTITLED

1 AN ACT <EOH>

2 relating to public junior college district branch campuses,
3 including a requirement that the South Texas Community College
4 District adopt and implement a plan to expand opportunity for
5 instructional programs in a certain location.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Chapter 130, Education Code, is amended by
8 adding Subchapter K to read as follows:

9 SUBCHAPTER K. BRANCH CAMPUSES

10 Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT;
11 INSTRUCTIONAL PROGRAMS IN EDCOUCH OR ELSA. The board of
12 trustees of the South Texas Community College District shall
13 adopt and implement a plan to expand opportunity for
14 instructional programs consisting of postsecondary courses
15 leading to an associate degree offered in a classroom setting
16 within the corporate limits of the municipality of Edcouch or
17 Elsa. Any instructional program provided under this section is
18 subject to the requirements of Section 130.251.

19 SECTION 2. Sections 130.086, 130.0865, and 130.087,
20 Education Code, are transferred to Subchapter K, Chapter 130,
21 Education Code, as added by this Act, redesignated as Sections
22 130.251, 130.252, and 130.253, Education Code, and amended to
23 read as follows:

24 Sec. 130.251 [~~Sec. 130.086~~]. BRANCH CAMPUSES. (a) The

1 board of trustees of a junior college district may establish and
2 operate branch campuses, centers, or extension facilities within
3 the junior college district's service area, provided that each
4 branch campus, center, or extension facility and each course or
5 program offered in such locations is subject to the prior and
6 continuing approval of the Texas Higher Education Coordinating
7 Board.

8 (b) Such branch campuses, centers, or extension facilities
9 shall be within the role and scope of the junior college as
10 determined by the Texas Higher Education Coordinating Board
11 [~~Coordinating Board, Texas College and University System~~].

12 (c) The board of trustees of a junior college district may
13 accept or acquire by purchase or rent land and facilities in the
14 name of the junior college district within the junior college
15 district's service area.

16 (d) Before any course may be offered by a public junior
17 college within the service area of another operating public
18 junior college, it must be established that the second public
19 junior college is not capable of or is unable to offer the
20 course. After the need is established and the course is not
21 locally available, then the first public junior college may
22 offer the course when approval is granted by the Texas Higher
23 Education Coordinating Board.

24 (e) The board of trustees of a junior college district may
25 enter cooperative agreement with independent, common, or county
26 school districts, state or federal agencies as may be required
27 to perform the services as outlined in this section.

1 (f) Notwithstanding Subchapter J, the service area of a
2 junior college district does not include territory within the
3 boundaries of the taxing district of another junior college
4 district. If a branch campus, center, or extension facility
5 operated by a junior college district outside its taxing
6 district becomes located within the taxing district of another
7 junior college district when the other district is established
8 or annexes the territory that includes the campus, center, or
9 facility, the junior college district operating the campus,
10 center, or facility must discontinue the campus, center, or
11 facility within a reasonable period, not to exceed one academic
12 year. The junior college district in which the campus, center,
13 or facility is located must fairly compensate the junior college
14 district that discontinues the campus, center, or facility for
15 any capital improvements that the discontinuing district
16 acquired or constructed for the campus, center, or facility, to
17 the extent the discontinuing district is otherwise unable to
18 recover the current value of its investment in that capital
19 improvement, as determined by the Texas Higher Education
20 Coordinating Board.

21 (g) Subsections (a) and (c) do not apply to a branch
22 campus, center, or extension facility that is established before
23 September 1, 1999.

24 (h) This section does not affect the authority of the
25 Texas Higher Education Coordinating Board regarding the
26 continued operation of a branch campus, center, or extension
27 facility.

1 Sec. 130.252 [~~Sec. 130.0865~~]. SECURITY FOR REVENUE BONDS
2 ISSUED FOR BRANCH CAMPUS, CENTER, OR EXTENSION FACILITY. Bonds
3 payable from revenue and issued by the governing body of a
4 county or school district to finance the purchase of land or the
5 construction of a facility to be used for a branch campus,
6 center, or extension facility authorized under Section 130.251
7 [~~130.086~~] may be secured by a trust indenture, a deed of trust,
8 or a mortgage granting a security interest in the applicable
9 land or facility.

10 Sec. 130.253 [~~Sec. 130.087~~]. BRANCH CAMPUS MAINTENANCE
11 TAX. (a) The governing body of a school district or a county may
12 levy a junior college district branch campus maintenance tax as
13 provided by this section at a rate not to exceed five cents on
14 each \$100 valuation of all taxable property in its jurisdiction.

15 (b) On presentation of a petition for an election to
16 authorize a junior college district branch campus maintenance
17 tax signed by not fewer than five percent of the qualified
18 voters of the jurisdiction in which the proposed tax is to be
19 levied, the governing body of the school district or county, as
20 applicable, shall determine the legality and the genuineness of
21 the petition and, if it is determined to be legal and genuine,
22 forward the petition to the Texas Higher Education Coordinating
23 Board. The governing body of a county with a population of
24 150,000 or less, on completion of a needs assessment analysis
25 showing adequate need and on approval by the coordinating board,
26 on its own motion and without the presentation of a petition,
27 may propose an election to authorize a branch campus maintenance

1 tax.

2 (c) The Texas Higher Education Coordinating Board
3 [~~coordinating board~~] shall determine whether the requirements
4 provided by Subsections (a) and (b) [~~of this section~~] have been
5 satisfied and whether the proposed tax is feasible and desirable
6 under the coordinating board's rules for junior colleges. In
7 making its decision on the feasibility and desirability of the
8 tax, the coordinating board shall consider the needs of the
9 junior college, the needs of the community or communities served
10 by the branch campus, and the welfare of the state as a whole.
11 The commissioner of higher education shall deliver to the
12 governing body of the school district or county, as applicable,
13 the order of the coordinating board authorizing or denying
14 further action in the levying of a junior college district
15 branch campus maintenance tax.

16 (d) If the coordinating board approves the establishment
17 of the junior college district branch campus maintenance tax,
18 the governing body of the school district or county, as
19 applicable, shall enter an order for an election to be held in
20 the territory under its jurisdiction not less than 20 days nor
21 more than 60 days after the date on which the order is entered
22 to determine whether the junior college district branch campus
23 maintenance tax may be levied. In the case of joint school
24 district or joint county elections, by mutual agreement of the
25 governing bodies, the elections shall be held on the same date
26 throughout the jurisdictions.

27 (e) The president of the board of trustees of the school

1 district or the county judge, as applicable, shall give notice
2 of the election in the manner provided by law for notice by the
3 county judge of general elections.

4 (f) The governing body of the school district or county,
5 as applicable, shall procure the election supplies necessary to
6 conduct the election and shall determine the quantity of the
7 various types of supplies to be provided for use at each
8 precinct polling place and early voting polling place.

9 (g) Any qualified voter residing within the boundaries of
10 the jurisdiction in which the tax may be levied is entitled to
11 vote at the election.

12 (h) The ballot shall be printed to provide for voting for
13 or against the proposition: "The levy of a junior college
14 district branch campus maintenance tax in an amount not to
15 exceed (insert a number not higher than five) cents on each \$100
16 valuation of all taxable property in _____. " (insert name
17 of school district or name of county, as applicable).

18 (i) To be adopted, the measure must receive a favorable
19 vote of a majority of those voting on the measure.

20 (j) Not later than the 10th day after the date of the
21 election, the governing body shall canvass the returns of the
22 election and shall enter an order declaring the result of the
23 election.

24 (k) The proceeds of the junior college district branch
25 campus maintenance tax may be used only as follows:

26 (1) to operate and maintain a junior college district
27 branch campus and support its programs and services in the area

1 of the political subdivision that levied the tax; and

2 (2) under an agreement by the applicable junior
3 college district and the political subdivision levying the tax,
4 to make lease payments to the political subdivision for
5 facilities used exclusively by the branch campus that are owned
6 by the political subdivision.

7 (1) The governing body of the school district or county
8 approving the junior college district branch campus maintenance
9 tax shall set the tax levy.

10 (m) The junior college district shall maintain and furnish
11 any records and reports required by the Texas Higher Education
12 Coordinating Board [~~Coordinating Board, Texas College and~~
13 ~~University System~~]. The reports shall be made available
14 routinely to the governing body of the jurisdiction in which the
15 tax is levied, and to members of the general public on request.

16 (n) This section does not affect the authority of any
17 jurisdiction levying a junior college district branch campus
18 maintenance tax to create a junior college district in the
19 jurisdiction.

20 SECTION 3. Section 45.105(f), Education Code, is amended
21 to read as follows:

22 (f) Funds from a junior college district branch campus
23 maintenance tax levied by a school district board of trustees
24 under Section 130.253 [~~130.087~~] may be used as provided by that
25 section.

26 SECTION 4. Section 51.406(b), Education Code, is amended
27 to read as follows:

1 (b) To the extent that any of the following laws require
2 reporting by a university system or an institution of higher
3 education, a university system or institution of higher
4 education is not required to make the report on or after
5 September 1, 2013, unless legislation enacted by the 83rd
6 Legislature that becomes law expressly requires the institution
7 or system to make the report:

- 8 (1) Section 7.109;
- 9 (2) Section 33.083;
- 10 (3) Section 59.07;
- 11 (4) Section 130.251 [~~130.086~~];
- 12 (5) Section 325.007, Government Code;
- 13 (6) Section 669.003, Government Code;
- 14 (7) Section 2005.007, Government Code;
- 15 (8) Section 2054.097, Government Code;
- 16 (9) Chapter 2114, Government Code; and
- 17 (10) Section 2205.041, Government Code.

18 SECTION 5. Section 130.254, Education Code, as added by
19 this Act, applies beginning with the 2019-2020 academic year.

20 SECTION 6. This Act takes effect September 1, 2015.

House Bill 382
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. BRANCH CAMPUSES

Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT; EXTENSION FACILITY.

The board of trustees of the South Texas Community College District *shall establish and operate an extension facility* within the corporate limits of the municipality of Edcouch or Elsa. *An extension facility established* under this section is subject to the requirements of Section 130.251.

SECTION 2. Sections 130.086, 130.0865, and 130.087, Education Code, are transferred to Subchapter K, Chapter 130, Education Code, as added by this Act, redesignated as Sections 130.251, 130.252, and 130.253, Education Code, and amended.

SECTION 3. Section 45.105(f), Education Code, is amended.

SECTION 4. Section 51.406(b), Education Code, is amended.

SECTION 5. Section 130.254, Education Code, as added by this Act, applies beginning with the **2016-2017** academic year.

SECTION 6. This Act takes effect September 1, 2015.

SENATE VERSION (IE)

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. BRANCH CAMPUSES

Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT; INSTRUCTIONAL PROGRAMS IN

EDCOUCH OR ELSA. The board of trustees of the South Texas Community College District *may establish and operate instructional programs* within the corporate limits of the municipality of Edcouch or Elsa. *An instructional program established* under this section is subject to the requirements of Section 130.251. [FA1(1)-(4)]

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Section 130.254, Education Code, as added by this Act, applies beginning with the **2020-2021** academic year. [FA1(5)]

SECTION 6. Same as House version.

CONFERENCE

SECTION 1. Chapter 130, Education Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. BRANCH CAMPUSES

Sec. 130.254. SOUTH TEXAS COMMUNITY COLLEGE DISTRICT; INSTRUCTIONAL PROGRAMS IN

EDCOUCH OR ELSA. The board of trustees of the South Texas Community College District *shall adopt and implement a plan to expand opportunity for instructional programs consisting of postsecondary courses leading to an associate degree offered in a classroom setting* within the corporate limits of the municipality of Edcouch or Elsa. *Any instructional program provided* under this section is subject to the requirements of Section 130.251.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Section 130.254, Education Code, as added by this Act, applies beginning with the **2019-2020** academic year.

SECTION 6. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB382 by Canales (Relating to public junior college district branch campuses, including a requirement that the South Texas Community College District adopt and implement a plan to expand opportunity for instructional programs in a certain location.), **Conference Committee Report**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Education Code relating to public junior college district branch campuses. The bill would allow South Texas Community College District to adopt and implement a plan to expand opportunity for certain instructional programs in Edcouch or Elsa beginning with the 2019-2020 academic year.

Based on information provided by the Higher Education Coordinating Board, it is assumed that there would be a cost to General Revenue from an increase in formula funding for South Texas College due to additional students enrolling in the new instructional programs generating additional contact hours and success points for formula funding. The cost would not be seen until at least fiscal year 2021, as formula funding is provided to institutions based on student data prior to the biennium to be funded. However, this analysis assumes the increase in formula funding for additional students enrolling in classes at the new programs would not be significant.

Local Government Impact

There could be additional costs for South Texas College to implement the provisions of the bill. However, it is assumed any additional costs associated with implementing the provisions of the bill would be funded with institutional funds.

Source Agencies: 781 Higher Education Coordinating Board

LBB Staff: UP, EMu, DEH, ED, KVe

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on H1B382 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(name)

5/30/15

(date)